

# Chapter 123 of the Acts of 2005

## **AN ACT RELATIVE TO THE INSTALLATION OF CARBON MONOXIDE ALARMS AND SMOKE DETECTORS IN RESIDENTIAL BUILDINGS.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** The first paragraph of [section 10A of chapter 148](#) of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following 4 sentences:- The head of the fire department or the marshal may revoke any such permit for cause. A fee of \$25 may be charged by the head of the fire department for any permit granted under this section, unless otherwise set in a town by the board of selectmen or town council, or in a city by the mayor, but such fee shall not exceed \$50 except as provided in this paragraph. If a smoke detector inspection, conducted pursuant to section 26F, and a carbon monoxide alarm inspection, conducted pursuant to section 26F 1/2, are conducted simultaneously, the owner shall not be subject to an additional fee for the carbon monoxide alarm inspection. The fee for either a carbon monoxide alarm inspection or a smoke detector inspection, conducted separately, shall not exceed: \$50 for a single-family dwelling or a single dwelling unit; \$100 for a 2-family dwelling; \$150 for any building or structure with 6 or fewer residential units; and \$500 for any building or structure with more than 6 units.

**SECTION 2.** Section 26E of said chapter 148, as so appearing, is hereby amended by striking out, in line 1, the words "In any city or town which accepts this subsection," and inserting in place thereof the following word:- All.

**SECTION 3.** Section 27A of said chapter 148, as so appearing, is hereby amended by inserting after the word "protection", in line 4, the following words:- or carbon monoxide detection and alarm.

**SECTION 4.** Said [chapter 148](#) is hereby further amended by inserting after section 26F the following section:-

Section 26F 1/2. (a) Every dwelling, building or structure, including those owned or operated by the commonwealth, occupied in whole or in part for residential purposes, that: (1) contains fossil-fuel burning equipment including, but not limited to, a furnace,

boiler, water heater, fireplace or any other apparatus, appliance or device that burns fossil fuel; or (2) incorporates enclosed parking within its structure shall be equipped by the owner with working, approved carbon monoxide alarms in conformance with the requirements of the board of fire prevention regulations; provided, however, that such requirements shall include, but not be limited to, a requirement that a landlord or superintendent shall install either approved monitored battery-powered alarms or approved electrical wiring alarms as defined by the board, as are required to make the alarms operational at the beginning of any rental period by lease or otherwise and shall maintain and, if necessary, replace batteries or such battery-operated or electric hardwired carbon monoxide alarms annually thereafter to insure their continued operability.

(b) The board of fire prevention regulations shall promulgate such regulations as may be necessary to effectuate this section including, but not limited to, the type, installation, location, maintenance and inspectional requirements of carbon monoxide alarms.

(c) Every dwelling, building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the requirements of this section.

(d) The state building code may impose stricter carbon monoxide alarm requirements for new construction or dwellings, buildings, or structures substantially renovated so as to constitute the equivalent of new construction. Every such dwelling building or structure, occupied in whole or in part for residential purposes, shall, upon sale or transfer of such dwelling, building or structure, be inspected by the head of the fire department for compliance with the carbon monoxide alarm requirements of the state building code in effect on the date of the issuance of the relevant building permit.

(e) The head of the fire department shall enforce this section.

(f) The department of public health shall promulgate such rules and regulations as may be necessary to effectuate subsection (a) into the state sanitary code as established under [section 127A of chapter 111](#).

**SECTION 5.** Subsection (a) of section 26F 1/2 of chapter 148 of the General Laws, shall take effect on March 31, 2006, except as to any dwelling, building or structure for which the installation of hardwired carbon monoxide alarms is required or owned or operated by the commonwealth or any local housing authority. Said subsection (a) of said section 26F 1/2 of said chapter 148 shall apply to such dwellings, buildings and structures on and after January 1, 2007.

Approved November 4, 2005.